

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

B.R., (d.o.b. April 2002) by and through her	)	CASE NO.: 4:13-CV-00907
father and next friend, MICHAEL	)	
RUBESICH, et al.,	)	JUDGE JOHN R. ADAMS
	)	
Plaintiffs,	)	<b><u>DEFENDANT CITY OF CANFIELD'S</u></b>
	)	<b><u>ANSWERS TO PLAINTIFF'S FIRST SET</u></b>
vs.	)	<b><u>OF INTERROGATORIES PROPOUNDED</u></b>
	)	<b><u>TO DEFENDANT CITY OF CANFIELD</u></b>
BRIAN McGIVERN, et al.,	)	
	)	
Defendants.	)	

Now comes Defendant City of Canfield, by and through counsel, Mazanec, Raskin & Ryder Co., L.P.A., and for its answers to Plaintiff's First Set of Interrogatories Propounded to Defendant City of Canfield states as follows:

1. Provide the name(s), address(s), telephone number(s) and date of birth(s) of the person(s) answering these questions as well as any person assisting in the answering of these questions:

**Response:**

Joseph Warino, City Manager, 104 Lisbon St., Canfield, Ohio 44406, 330-533-1101

Chief Charles Colucci, 104 Lisbon St., Canfield, Ohio 44406, 330-533-4903

Assistant Chief Scott Weamer, 104 Lisbon St., Canfield, Ohio 44406, 330-533-4903

Stephen Kolenich, IT Manager, 104 Lisbon St., Canfield, Ohio 44406, 330-533-1101

Dominic Rozzo, IT Technician, 104 Lisbon St., Canfield, Ohio 44406, 330-533-1101

Responses were crafted with the advice and assistance of counsel.

EXHIBIT "D"

2. Who is the person at the City most knowledgeable regarding the policies and procedures in place in 2012-2013 regarding Canfield Police investigations into allegations of child sexual assault and/or sexual abuse and/or rape?

**Response:**

The City does not have a specific policy governing investigations into allegations of child sexual assault and/or sexual abuse and/or rape. Investigations are covered under the general policy concerning arrests, searches and interrogations. Sgt. Jim Conrad would be the individual with the most knowledge on this policy.

3. Who at the City acted as the victim's advocate for the children-accusers or their families in this case?

**Response:** The City does not have a victim's advocate. Lisa Knight Jordan, victim advocate through Mahoning County JJC, acted as the victim's advocate in this case.

4. Identify all persons at the City who in 2012 acted as a victim's advocate for children and/or adults alleging they were the victims of sexual abuse, sexual assault, and/or rape?

**Response:** The City does not have a victim's advocate. Victims are referred to the appropriate agency or court for assistance.

5. Where does the City store backups of its “electronic information” and/or “transient electronic messages” (see Definitions)?

**Response:** City emails are stored on Google’s servers. All remaining information is stored in the City’s Storage Area Networks and on tape.

6. Who at the City managed the electronic information system, database, and/or backups that collect and store electronic information during 2012 and 2013?

**Response:** Stephen Kolenich and Dominic Rozzo

7. Aside from employees of the Canfield Police department, has the City received knowledge or information from the Canfield Police Department or the Mahoning County Sheriff’s Office or the Mahoning County Prosecutor’s Office regarding the allegations made against B.R. in April 2012?

**Response:** Objection, this interrogatory is overly broad as it seeks knowledge of every single City employee regarding the case and is unlimited in time. To the extent the City is able to answer this request:

Joe Warino and Mark Fortunato received information regarding the case from Chief Colucci. Mr. Warino may have communicated some information regarding the case to City Council.

8. Please identify all individuals at the City that has/have final policy making authority with respect to the policies, procedures, and rules governing the Canfield Police Department during the years 2012 thru and including 2013?

**Response:** Chief Colucci

9. Who at the City, if anyone, is obligated to conduct audits of the policies and rules governing the Canfield Police Department?

**Response:** Sergeant James Conrad conducts the initial review. He provides suggestions and recommendations to Assistant Chief of Police Scott Weamer. Assistant Chief Weamer reviews those suggestions and provides recommendations to Chief of Police Chuck Colucci. Chief Colucci forwards recommended changes to City Manager Joe Warino to review for compliance with the city charter and to Law Director Mark Fortunato for a general legal review. Any of these individuals can suggest or recommend policies, as can other individuals in the police department.

10. Who, if anyone, at the City keeps statistics on the number of crimes, including sexual assault and rape cases, prosecuted by the Canfield Police Department involving alleged child victims?

**Response:** Brian McGivern compiles all crime stats on a monthly basis (note: sexual assault and rape cases are not categorized based on age of victims). Lynda Seabrook uses that information to compile an annual report that includes all crime stats.

11. What are the job duties and responsibilities of the City IT Manager, Stephen Kolenich?

**Response:** See attached job description.

12. Please identify the staff members who work under the authority and at the direction of the City IT Manager, Stephen Kolenich?

**Response:** Dominic Rozzo

13. Where does the City store backups of emails and other electronic communications generated by the Canfield Police Department?

**Response:** The City does not store anything regarding emails. All emails are stored on google servers. All file backups are stored on tape and replicated throughout the SAN system. Additionally 911, radio traffic and voice recordings are stored on commercial electronics server.

14. Who is the Computer Systems Administrator for the Canfield Police Department?

**Response:** Stephen Kolenich and Dominic Rozzo

15. Identify all person(s) at the City who is/are responsible for monitoring and auditing the electronic communication resources of the Canfield Police Department?

**Response:** It is unclear what is meant by "audit." Stephen Kolenich and Dominic Rozzo perform daily and weekly checks to ensure the servers are running properly and also evaluate the equipment needs of the police department. The use of those systems is reviewed by the Police Department.

16. Identify all person(s) at the City who manages and/or oversees the records management program identified in section 82.1.1.1 of the Canfield Police Department Policies and Procedures and Uniform Standards of Conduct.

**Response:** Scott Weamer, Lynda Seabrook and Nicole Mariani

17. Identify the person who holds the title or responsibility of records clerk for the Canfield Police Department.

**Response:** Lynda Seabrook and Nicole Mariani

18. Identify each individual at the City of Canfield Police Department who handcuffed or put other restraints (as defined at sections 172.40-172.44 of the Canfield Police Department Policies and Procedures and Uniform Standards of Conduct) upon B.R. on the day she was first arrested through to her first appearance in court on or about April 24, 2012.

**Response:** City of Canfield Police never handcuffed B.R.

19. If Chief Colucci was provided a cell phone per his employment as the Chief of Police, provide the cell phone make and model, phone number, and cell service carrier that he used at that time.

**Response:** Objection. This request seeks information that is not admissible and is not reasonably calculated to lead to the discovery of admissible evidence. The request is also overly broad in that it is unlimited in time. To the extent not objectionable, Defendant states that, during the investigation and criminal trial, Chief Colluci had an iPhone 4, with the number [REDACTED]. The carrier is Verizon.

20. According to City records, how many rape cases did the City of Canfield Police Department investigate in the last 10 years?

**Response:** 9

21. Of the cases referred to in the immediately preceding question, how many of those cases involved children under the age of 12 who alleged he/she/they were raped by a same-sex child?

**Response:** 1

22. Is there a written policy or procedure that the City has provided to Canfield police officers explaining how to investigate cases of alleged child-on-child sexual misconduct?

**Response:** There is not a policy specific to investigation of child-on-child sexual misconduct. Investigations are governed by the Department's arrest, searches and interrogations policy.

23. Does the City train its officers on how to investigate cases of alleged child-on-child sexual misconduct?

**Response:** Officers receive training on general investigation of cases and handling cases which involve juveniles. In addition, Det. McGivern attended training which addressed juvenile investigations.



24. If the answer to the immediately preceding question was "yes," please provide the name, location, and dates of the training offered for Detective McGivern, Chief Colucci, and Officer Lamping.

**Response:** Det. McGivern's training is as follows:

March of 2005; Interview and Interrogation at Ohio HIDTA in Cleveland. 8 hours

February 2008; Core Criminal Investigations BCI Richfield campus. (16 hour block of Interview & Interrogation)

April of 2008; Sex Crimes at BCI Richfield campus. 24 hours.

April of 2008; CVSA examiner (which covered Interview and Interrogation techniques) Mentor, Lake County, Oh. 48 hours.

August of 2008; Reid Tech for Interview and Interrogation. BCI Richfield campus. 24 hours.

August of 2008; Advanced Reid Tech for Interview and Interrogation. BCI Richfield campus. 8 hours.

April of 2012; Kinesic Interview and Interrogation. Canfield, Oh. 24 hours.

As to all objections:

  
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JOHN T. MCLANDRICH (0021494)  
TAMI Z. HANNON (0079812)

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

  
\_\_\_\_\_  
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*Counsel for Defendants Brian McGivern, Chief Chuck Colucci, Officer Timothy Lamping, Sergeant Scott Weamer and City of Canfield*

**CERTIFICATE OF SERVICE**

A copy of the foregoing Defendant City of Canfield's Answers to Plaintiff's First Set of Interrogatories Propounded to Defendant City of Canfield was served December 23, 2013 by depositing same in first-class United States mail, postage prepaid, to the following:

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J. Michael Goldberg, Esq.  
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by and through her father and next friend,  
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Colucci, Officer Timothy Lamping, Sergeant Scott Weamer  
and City of Canfield*

**VERIFICATION**

I, Chief of Police Charles Colucci, hereby certify that the answers and responses to Plaintiff's First Set of Interrogatories to Defendant City of Canfield are true and accurate according to my first-hand knowledge.

Executed on 12-20, 2013.

  
Chief of Police Charles Colucci

Sworn to and subscribed in my presence this 20th day of December, 2013.

**LYNDA M SEABROOK**  
Notary Public  
State of Ohio  
My Commission Expires Apr. 23, 2017

  
NOTARY PUBLIC